

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DONALD PATRICK JOSEPH ADRIAN, ET
AL.

CIVIL ACTION NO. 06-0455

VERSUS

JUDGE S. MAURICE HICKS, JR.

ROBERT B. SELBE, ET AL

MAGISTRATE JUDGE HAYES

ORDER

After evaluating the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed therein, thoroughly reviewing the record, including the written objections and responses filed, and noting the Rule 12(b)(6) standard, as contrasted with the Rule 56 standard, requiring that the complaint be liberally construed in favor of Plaintiffs and that all facts pleaded in the complaint must be taken as true, the Court concurs with the findings of the Magistrate Judge under the applicable law. Accordingly,

IT IS ORDERED that the Motion to Dismiss (Record Document 36) filed by Defendants, Special Agent Robert B. Selbe and the United States, be and is hereby **GRANTED IN PART AND DENIED IN PART.**

IT IS FURTHER ORDERED that the Motion to Dismiss be and is hereby **GRANTED** as to Plaintiffs' *Bivens* claims and Plaintiff Jon Efteland's and Plaintiff Donald Achor's malicious prosecution claims.

IT IS FURTHER ORDERED that the Motion to Dismiss be and is hereby **DENIED** as to Plaintiffs' abuse of process claims and Plaintiff Donald Adrian's malicious prosecution claim.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 17th day of January, 2007.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE